



10 MAY 2006

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Jordan & Hamburg LLP
122 East 42nd Street
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New York, NY 10168

In re Application of
ZELLMER et al.
Application No.: 10/523,282
PCT No.: PCT/EP03/14462
Int. Filing Date: 18 December 2003
Priority Date: 19 December 2002
Attorney Docket No.: F-8479
For: POCKELS CELL

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to applicants' "Supplemental Submission for Request to Correct Inventorship under 37 CFR 1.497" filed 13 April 2006.

BACKGROUND

On 18 December 2003, applicants filed the above-captioned international application which claimed a priority date of 19 December 2002. The international application named: Holger Zellmer; Peter Riedel; and Thomas Fehn as applicant/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 19 June 2005.

On 03 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee; a translation of the international application; and an Information Disclosure Statement.

On 26 July 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 November 2005, applicants filed "Request to Correct Inventorship under 37 CFR 1.497" which included a declaration executed by: Stefan Balle; Sven Poggel; and Thomas Fehn.

On 24 January 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. (The Notification of Missing Requirements dated 26 January 2006 was vacated in the Decision dated 07 March 2006.)

In a Decision on Request under 37 CFR 1.497(d) dated 07 March 2006, applicants' request under 37 CFR 1.497(d) was refused.

On 13 April 2006, applicants filed "Supplemental Submission for Request to Correct Inventorship under 37 CFR 1.497."

DISCUSSION

In the instant case, the international application named Holger Zellmer; Peter Riedel; and Thomas Fehn as applicant/inventors. Applicants request to add Stefan Balle and Sven Poggel as applicant/inventors. Additionally, applicants request to delete Holger Zellmer and Peter Riedel as applicant/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1); (2); (3) and (4).

CONCLUSION

The renewed request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 18 December 2003 and a date of 28 November 2005 under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459